

CLAIMS: THE CASE OF VICTOR H. MACCORD

Protocol signed at Washington May 17, 1898

Entered into force May 17, 1898

Articles III and IV amended by protocol of June 6, 1898¹

Terminated October 15, 1898²

Treaty Series 286

PROTOCOL OF AN AGREEMENT BETWEEN THE SECRETARY OF STATE OF THE UNITED STATES AND THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF PERU, FOR SUBMISSION TO AN ARBITRATOR OF THE AMOUNT OF DAMAGES TO BE AWARDED IN FAVOR OF VICTOR H. MACCORD, AN AMERICAN CITIZEN, AGAINST THE REPUBLIC OF PERU, SIGNED AT WASHINGTON MAY 17, 1898

The United States of America and the Republic of Peru, through their Representatives, William R. Day, Secretary of State of the United States of America, and Dr. Don Victor Eguiguren, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Peru, have agreed upon and signed the following Protocol:

Whereas, the United States of America, on behalf of Victor H. MacCord, a citizen of the United States of America, has claimed indemnity from the Government of Peru, for injuries inflicted upon him, at Arequipa, Peru, in 1885; it is agreed between the two Governments:

I

That the question of the amount of the said indemnity shall be referred to the Right Honorable Sir Samuel Henry Strong, P.C., Chief Justice of the Supreme Court of the Dominion of Canada, who is hereby appointed as Arbitrator to hear said cause and to determine the amount of said indemnity.

II

The Government of the United States of America will lay before the Arbitrator both the claimant's evidence and that which has been submitted by the Government of Peru. The Government of the United States shall furnish the Peruvian Minister a list thereof.

¹ TS 287, *post*, p. 1073.

² Date on which arbitrator returned award in favor of claimant.

III³

The Peruvian Government, having condescended, as an act of deference to the United States, in excluding from the arbitration the discussion of its liability or irresponsibility, the Arbitrator will limit his decision and the award to the following point, that is the only one that is submitted to his decision: to determine, in view of the proofs that will be submitted to him, the amount of pecuniary indemnity that will be paid to Mr. Victor H. MacCord for the acts committed against him, in Arequipa, Peru, in 1885. The United States Government having declined to submit any matter in dispute herein to arbitration except the amount of damages to be awarded, the Government of Peru accedes to the proposal to waive its denial of liability and to allow the Arbitrator, on the hearing of the case, to award such sum as he may believe MacCord to be entitled to and the amount of which award the Government of Peru undertakes and agrees to pay. The evidence is to be finally submitted to the Arbitrator on or before the 1st day of July, 1898, and his decision is to be rendered within two months from the date of its submission.

IV³

Each Government may furnish to the Arbitrator an argument or brief, not later than the 10th day of August 1898; but the Arbitrator need not for that purpose delay his decision.

V

The Government of Peru shall pay the sum fixed by the Arbitrator as soon as the Congress of Peru shall authorize the payment; but the time thus allowed shall in no case exceed six months from the day the decision shall be pronounced.

VI

Reasonable compensation to the Arbitrator, and the other expenses of said arbitration, are to be paid in equal moieties by both Governments.

VII

Any award given by the Arbitrator shall be final and conclusive.

Done in duplicate at Washington this 17th day of May, 1898.

WILLIAM R. DAY
VICTOR EGUIGUREN

³ For amendments to arts. III and IV, see protocol of June 6, 1898 (TS 287), *post*, p. 1073.